

96TH CONGRESS
1ST SESSION

H. R. 6086

To provide for the settlement and payment of claims of civilian and military personnel against the United States for losses in connection with the evacuation of such personnel from a foreign country.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 11, 1979

Mr. DANIELSON (for himself and Mr. MOORHEAD of California) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the settlement and payment of claims of civilian and military personnel against the United States for losses in connection with the evacuation of such personnel from a foreign country.

- 1 *Be it enacted by the Senate and House of Representa-*
- 2 *tives of the United States of America in Congress assembled,*
- 3 That the Military Personnel and Civilian Employees' Claims
- 4 Act of 1964 (78 Stat. 767, 31 U.S.C. 240 et seq.) is amend-
- 5 ed by adding at the end thereof the following new section:
- 6 "SEC. 9. (a) Subject to any policies that the President
- 7 may prescribe, the head of any agency, or his designee, may

1 settle and pay not more than \$40,000 for any claim against
2 the United States made by a member of the uniformed serv-
3 ices under the jurisdiction of that agency or by a civilian
4 officer or employee of that agency for damage to, or loss of,
5 personal property in a foreign country which damage or loss
6 (1) was incident to the service of such member, officer, or
7 employee, who was evacuated from that country on or after
8 December 31, 1978, in accordance with a recommendation
9 or order of the Secretary of State or other competent authori-
10 ty which was made in connection with incidents of political
11 unrest in that country or hostile acts by people in that coun-
12 try, and (2) resulted from that evacuation or from any such
13 incident or hostile act.

14 “(b) The head of the agency, or his designee, authorized
15 under subsection (a) to settle and pay a claim of a person
16 described in such subsection may, if such person is deceased,
17 settle and pay any claim made by the decedent's surviving (1)
18 spouse, (2) children, (3) father or mother, or both, or (4)
19 brothers or sisters, or both, that arose before, concurrently
20 with, or after the decedent's death and is otherwise covered
21 by this section. Claims of survivors shall be settled and paid
22 in the order set forth in the preceding sentence.

23 “(c) A claim may be allowed under this section only if it
24 is presented in writing within two years after the claim ac-

1 crues, or within one year after the date of the enactment of
2 this section, whichever is later.

3 “(d) The head of each agency shall issue regulations to
4 carry out this section. The same standards applied in adjudi-
5 cating a claim under section 3 of this Act shall be applied in
6 adjudicating a claim under this section. Any claim to which
7 this section applies but which has been adjudicated under
8 section 3 of this Act by the applicable head of an agency
9 before the date of the enactment of this section shall not be
10 adjudicated under this section, but any amount of loss adjudi-
11 cated under such section 3 in connection with that claim
12 which has not been paid shall be payable to the extent per-
13 mitted in this section.

14 “(e) Upon payment of a claim under this section, the
15 United States shall, to the extent of the amount of such pay-
16 ment, be subrogated to any right or claim, with respect to the
17 same damage or loss for which the claim under this section
18 was paid, that the claimant may have against the foreign
19 country in which that damage or loss occurred.”.

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